

Docket No.: 13311-00009-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Matuschek et al.

Conf. No.: 6025

Application No.: 10/541,750

Group Art Unit: 1645

Filed: July 8, 2005

Examiner: Not Yet Assigned

For: METHOD FOR PRODUCING CAROTENOIDS  
OR THEIR PRECURSORS USING  
GENETICALLY MODIFIED ORGANISMS OF  
THE BLAKESLEA GENUS, CAROTENOIDS  
OR THEIR PRECURSORS PRODUCED BY  
SAID METHOD AND USE THEREOF

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**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicants, a copy of which is attached hereto, has two missing names and a misspelled address under Applicant(s), an error under Assignment, and the Domestic Priority data information is incorrect. They are as follows:

- 1) Applicant number five, "Axel Brakhage, Hannover, GERMANY", is missing from the filing receipt;
- 2) Applicant number six, "Brigitte Achatz, Mannheim, GERMANY", is missing from the filing receipt;
- 3) Address of Applicant number two, should read "Mannheim";
- 4) The Assignee should read "BASF AKTIENGESELLSCHAFT, Ludwigshafen, GERMANY";


- 5) The Domestic Priority data as claimed by applicant should read,  
“PCT/EP2004/000099”.

The original Declaration, Power of Attorney and Petition was filed on September 6, 2005,  
a copy of which is attached hereto.

Applicants additionally request that all pertinent U.S. Patent and Trademark Office  
records relating to the subject application be changed to reflect these corrections.

As the error was made by the Patent and Trademark Office, Applicants believe no fee  
is due with this request. However, if a fee is due, please charge our Deposit Account No. 03-  
2775, under Order No. 13311-00009-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

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(302) 658-9141

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Attorney for Applicants



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/541,750	09/06/2005	1645	3080	13311-00009-US	24	56	2

CONFIRMATION NO. 6025

23416  
 CONNOLLY BOVE LODGE & HUTZ, LLP  
 P O BOX 2207  
 WILMINGTON, DE 19899

## FILING RECEIPT



\*OC000000019530719\*

Date Mailed: 07/10/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Markus Matuschek, Weinheim, GERMANY;

Daniela Klein, Mannheim, GERMANY;

Thorsten Heinekamp, Hannover, GERMANY;

Andre Schmidt, Springe, GERMANY;

Mannheim

Axel Brakhage, Hannover, GERMANY

Brigitte Achatz, Mannheim, GERMANY

## Assignment For Published Patent Application

BASF AKTIENGESELLSCHAFT Patents, Trademarks and Licenses, Ludwigshafen, GERMANY

Ludwigshafen

Power of Attorney: The patent practitioners associated with Customer Number 23416.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/00099 01/09/2004

PCT/EP2004/000099

## Foreign Applications

GERMANY 103 00 649.4 01/09/2003

GERMANY 103 41 271.9 09/08/2003

If Required, Foreign Filing License Granted: 07/07/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/541,750**

Projected Publication Date: 10/19/2006

Non-Publication Request: No

**Early Publication Request:** No

**Title**

Method for producing carotenoids or their precursors using genetically modified organisms of the blakeslea genus, carotenoids or their precursors produced by said method and use thereof

**Preliminary Class**

435

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### **LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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SEP. 6. 2005 3:42PM		AC. 7886	
<b>FAX TRANSMISSION</b>			
<b>MS PCT</b>			
DATE: September 6, 2005			
PTO IDENTIFIER:		Application Number 10/541750	
		Patent Number	
Inventor: Markus Maruschek et al.			
MESSAGE TO: US Patent and Trademark Office			
FAX NUMBER: (571) 273-8300			
FROM: CONNOLLY BOYE LODGE & HUTZ LLP			
Robert M. D. Makowski, Ph.D.			
PHONE: (302) 658-9141			
Attorney Dkt. #: 13311-00009-US			
PAGES (including Cover Sheet): 9			
CONTENTS: For Transmittal (1 page) Transmittal Of Combined Declaration And Power Of Attorney (1 page) Combined Declaration And Power Of Attorney (5 pages) Charge \$150.00 to deposit account 05-2775 Certificate of Transmission (1 page)			
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PAGE 18 * RCVD AT 9/6/2005 3:41:31 PM [Eastern Daylight Time] * SRC:USPTO-EXXRF-622 * DWS:2738303 * CSD:302 661 2331 * DURATION (mm:ss):02:08			

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD FOR PRODUCING CAROTENOIDS OR THEIR PRECURSORS USING  
GENETICALLY MODIFIED ORGANISMS OF THE BLAKESLEA GENUS,  
CAROTENOIDS OR THEIR PRECURSORS PRODUCED BY SAID METHOD AND USE  
THEREOF

the specification of which was filed on January 9, 2004 as Application No.  
PCT/EP2004/000099.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

**FOREIGN PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☐ no such foreign applications have been filed

☒ such foreign application have been filed as follows:

PF 54906

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
103 00 649.4	DE	January 9, 2003	<input checked="" type="checkbox"/> Yes No
103 41 271.9	DE	September 8, 2003	<input checked="" type="checkbox"/> Yes No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no such U.S. provisional applications have been filed.

☐ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing




I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 23416

all of **Connolly Bove Lodge & Hutz LLP**, 1007 North Orange Street, P.O. Box 2207, Wilmington, Delaware 19899, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from BASF AKTIENGESSELLSCHAFT as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Please mail all correspondence to Roberte M. D. Makowski, Ph.D., whose address is:

**Connolly Bove Lodge & Hutz LLP**  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899

Please direct telephone calls to: Roberte M. D. Makowski, Ph.D. at (302) 658-9141.

Please direct facsimiles to: (302) 658-5614

Full name of sole or first inventor <b>Markus Matuschek</b>	
Sole or first inventor's signature <i>x Markus Matuschek</i>	Date August 5, 2005
Residence Weinheim, Germany	
Citizenship Germany	
Mailing Address Karolinenstr. 5 69469 Weinheim GERMANY	

Full name of second inventor, if any <b>Daniela Klein</b>	
Second inventor's signature <i>x Daniela Klein</i>	Date August 24, 2005
Residence Mannheim, Germany	
Citizenship Germany	
Mailing Address M 7, 2 68161 Mannheim GERMANY	

Full name of third inventor, if any <b>Thorsten Heinekamp</b>	
Third inventor's signature <i>x Thorsten Heinekamp</i>	Date July 15, 2005
Residence Hannover, Germany	
Citizenship Germany	
Mailing Address Alte Ziegelei 1b 30419 Hannover GERMANY	

Full name of fourth inventor, if any <b>Andre Schmidt</b>	
Fourth inventor's signature <i>x Andre Schmidt</i>	Date July 15, 2005
Residence Springe, Germany	
Citizenship Germany	
Mailing Address Magdeburger Str. 11 31832 Springe GERMANY	

Full name of fifth inventor, if any <b>Axel Brakhage</b>	
Fifth inventor's signature <i>x</i> <i>Axel Brakhage</i>	Date July 15, 2005
Residence <b>Hannover, Germany</b>	
Citizenship <b>Germany</b>	
Mailing Address <b>Schneiderberg 58 30167 Hannover GERMANY</b>	

Full name of sixth inventor, if any <b>Brigitte Achatz</b>	
Sixth inventor's signature <i>x</i> <i>Brigitte Achatz</i>	Date August 24, 2005
Residence <b>Mannheim, Germany</b>	
Citizenship <b>Germany</b>	
Mailing Address <b>Windeckstr. 26 68163 Mannheim GERMANY</b>	

Full name of seventh inventor, if any	
Seventh inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of eighth inventor, if any	
Eighth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	